



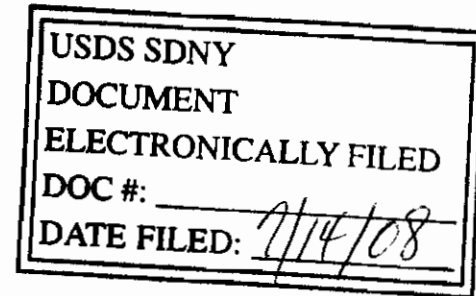
JUL 11 2008

86 Chambers Street
New York, New York 10007

July 10, 2008

By Hand

Honorable Harold Baer, Jr.
United States District Judge
United States Courthouse
500 Pearl Street, Room 2230
New York, New York 10007



Re: Yolanda Matos for D.I.C. v. Barnhart
07 Civ. 3566 (HB)

Dear Judge Baer:

This Office represents the Commissioner of Social Security, defendant in the above-captioned action. At the request of the Court, I am writing to provide the status of this case and to inform the Court that defendant intends to move for dismissal of the claim.

On November 13, 2007, this Office moved for judgment on the pleadings. A service copy of the motion and supporting memorandum of law were mailed to plaintiff pro se on November 9, 2007. Plaintiff did not respond by December 10, 2007, the date her papers were due. Subsequently, this Office spoke with plaintiff at which time she indicated that she needed more time to respond to defendant's papers. By letter dated December 17, 2007, this Office conveyed plaintiff's request to the Court, and by Order dated December 18, 2007, the Court extended plaintiff's time to respond to January 16, 2008.

By March 12, 2008, this Office had not received any papers from plaintiff. We spoke to plaintiff at this time, and she indicated that she still needed more time to respond. By letter dated March 13, 2008, this Office conveyed plaintiff's request to the Court, and by Order dated March 24, 2008, the Court granted plaintiff until March 26, 2008 to respond to defendant's motion.

This Office did not receive a response from plaintiff, and by letter dated April 2, 2008, we submitted to Your Honor a copy of the government's motion and supporting memorandum of law.

Pursuant to the April 7, 2008 Order of the Court, on April 9, 2008, this Office mailed to plaintiff pro se, by certified mail - return receipt requested, a copy of defendant's motion for judgment on the pleadings and supporting memorandum of law. In accordance with the Court's order, we informed plaintiff pro se that her response would be due by April 22, 2008, and that her case would be dismissed if she did not respond.

This Office received the return receipt signed by "Angelo Reyes." However, to date, we have not received any response to defendant's motion, nor have we otherwise been contacted by plaintiff pro se concerning this matter.

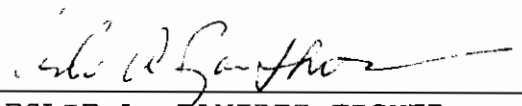
Given plaintiff's failure to respond to defendant's motion, this Office is prepared to move to dismiss this matter based upon a failure to prosecute the claim. With the Court's permission, we are prepared to move by July 24, 2008.

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney


BY:


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cc: Yolanda Matos (By Federal Express)

Permission granted.

SO ORDERED:


Harold Baer, Jr., U.S.D.J.

Date: July 14, 2008